

AMENDED IN ASSEMBLY MAY 23, 2002
AMENDED IN ASSEMBLY APRIL 15, 2002
AMENDED IN ASSEMBLY MARCH 18, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1758

Introduced by Assembly Members Nakano and Shelley
(Coauthors: Assembly Members Alquist, Cedillo, Chavez, Cohn,
Diaz, Keeley, Koretz, Liu, Longville, Pavley, Salinas, Steinberg,
Strickland, Strom-Martin, and Wayne)
(Coauthors: Senators Alarcon, Karnette, Kuehl, McClintock, and
Romero)

January 7, 2002

An act to add Section 354.7 to the Code of Civil Procedure, relating to limitation of actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1758, as amended, Nakano. Limitation of actions: ~~Holocaust victims~~ *Holocaust-era artwork*.

Existing law authorizes actions for the taking, detaining, or injuring of any good or chattel, or for the specific recovery of personal property to be commenced within 3 years. Existing law authorizes actions for the theft of any article of historical, interpretive, scientific, or artistic significance to be commenced within 3 years of the discovery of the article by various entities, as defined.

This bill would authorize any ~~Holocaust victim, or heir of the victim,~~ *owner, or heir or beneficiary of the owner, of Holocaust-era artwork, as defined*, to bring an action in superior court to recover ~~Holocaust-era~~

~~that artwork, as defined,~~ from any museum or gallery. This bill would provide that any action brought under these provisions ~~shall~~ *may* not be dismissed for failure to comply with the applicable statute of limitation, provided the action is commenced on or before December 31, 2010.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the
2 following:
3 ~~(a) During World War II, untold millions of lives and property~~
4 ~~were destroyed.~~
5 ~~(b)~~
6 (a) In addition to the many atrocities that befell the victims of
7 the Nazi regime, treasured pieces of artwork were wrongfully
8 taken.
9 ~~(c)~~
10 (b) Thousands of victims of Nazi persecution, and the heirs of
11 victims of Nazi persecution, are residents of the State of
12 California. Many of these victims and descendants are
13 investigating the whereabouts of artwork that rightfully belonged
14 to their families.
15 ~~(d)~~
16 (c) California has a moral and public policy interest in assuring
17 that its residents and citizens are given a reasonable opportunity to
18 commence an action in court for those pieces of artwork now
19 located in museums and galleries.
20 ~~(e)~~
21 (d) Currently, an individual has three years, after discovering
22 the whereabouts of the artwork, to commence an action in court.
23 ~~(f) However, due to the unique historical nature of~~
24 (e) *Due to the unique circumstances surrounding the theft of*
25 Holocaust-era artwork, commencement of an action requires
26 detailed investigation in several countries, involving numerous
27 historical documents and the input of experts.
28 ~~(g)~~
29 (f) In order to obtain all necessary data, investigating a
30 prospective action may take several years.
31 ~~(h)~~



(g) The current three-year statute of limitation, after discovery of the whereabouts of the artwork, is an insufficient amount of time to finance, investigate, and commence an action.

(i)

(h) To the extent that the enactment of this act will extend the statute of limitation, that extension of the limitation period is intended to be applied retroactively, irrespective of whether the claims were barred by any applicable statute of limitation under any other provision of law prior to the enactment of this act.

SEC. 2. Section 354.7 is added to the Code of Civil Procedure, to read:

354.7. (a) The following definitions govern the construction of this section:

(1) "Entity" means any museum or gallery that displays, exhibits, or sells any article of historical, interpretive, scientific, or artistic significance.

~~(2) "Holocaust victim" means any person who was persecuted during the period of 1929 to 1945, inclusive, by Nazi Germany, its allies, or sympathizers.~~

~~(3)~~

~~(2) "Holocaust-era artwork" means any article of historical, interpretive, scientific, or artistic significance taken during the period of 1929 to 1945, or as a result of persecution by Nazi Germany, its allies, or sympathizers. artistic significance taken as a result of Nazi persecution during the period of 1929 to 1945, inclusive.~~

(b) Notwithstanding any other provision of law, any ~~Holocaust victim, or heir or beneficiary of a Holocaust victim, may bring an owner, or heir or beneficiary of an owner, of Holocaust-era artwork, may bring an~~ action to recover Holocaust-era artwork from any entity described in paragraph (1) of subdivision (a). ~~That~~ *Subject to Section 410.10, that* action may be brought in a superior court of this state, which court shall have jurisdiction over that action until its completion or resolution. *Section 361 does not apply to this section.*

(c) Any action brought under this section shall not be dismissed for failure to comply with the applicable statute of limitation, if the action is commenced on or before December 31, 2010.

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